

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2012110446
v.	
SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT,	
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SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012080851
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO AMEND COMPLAINT BY STUDENT

On August 28, 2012, the District filed with the Office of Administrative Hearings (OAH) a Due Process Request naming Parents on behalf of Student (Student) as respondents. On November 15, 2012, Student filed a Due Process Hearing Request (complaint), naming the San Luis Coastal Unified School District (District) as respondent. At the time of the filing of the complaint, Student appeared pro se. On November 20, 2012, OAH issued an order consolidating the two cases for all purposes and designating the Student filed case as the lead case for determining timelines.

On January 25, 2013, Student, through her now retained counsel, filed a Motion to Amend the Due Process Hearing Request (amended complaint). Student contends that during the time since the filing of the original complaint, new issues have arisen as a result of new assessments, finalization of expert reports, and the proposed amended complaint alleges new factual support as to the issues raised. Student avers that permitting the filing of the amended complaint will permit the parties to litigate all issues in one due process hearing and result in judicial economy. The District has filed a statement of non-opposition.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §

1415(c)(2)(E)(i).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

Good cause shown, the motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: February 04, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.